

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PABLO CARACENI FRANCIONE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:23-cv-00344-BAM

ORDER REGARDING BRIEFING
SCHEDULE FOR DEFENDANT'S MOTION
TO DISMISS

Plaintiff Pablo Caraceni Francione ("Plaintiff") filed this action on March 8, 2023, seeking review of the Commissioner of Social Security's denial of his applications for disability benefits. (Doc. 1.) On March 10, 2023, the Court entered a scheduling order in this action. (Doc. 5.) That order states:

In those cases where a Fed. R. Civ. P. 12 motion to dismiss is warranted, the defendant shall file a motion to dismiss in lieu of filing the administrative record. The motion to dismiss shall be filed within 60 days of service of the complaint. The opposing brief shall be filed within 14 days after service of the motion. The reply brief shall be filed within 7 days after service of the opposition brief. The motion to dismiss shall NOT be noticed for hearing.

(*Id.*) On June 21, 2023, Defendant filed a Motion to Dismiss, arguing that Plaintiff failed to exhaust remedies or receive a final decision. (Doc. 15.)

1 In light of the upcoming holiday and to provide Plaintiff sufficient time to respond to
2 Defendant's Motion to Dismiss, Plaintiff's opposition shall be filed on or before **July 10, 2023**.
3 Any reply is due 7 days after the date the opposition is filed. Failure to timely file an
4 opposition will result in the Court deeming Defendant's Motion unopposed.

5
6 IT IS SO ORDERED.

7 Dated: **June 30, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE